

REMARKS/ARGUMENTS

In response to the restriction requirement mailed on March 10, 2004, Applicants elect with traverse Group IV, claims 1-4, 10, 21-22, and 59; drawn to commercial scale methods of sialylating a glycoprotein using an ST3Gal I sialyltransferase.

Claims 6-20 and 23-58 are cancelled without prejudice to subsequent revival and new claims 60-61 are added. Claim 59 is amended to recite that a greater percentage of terminal galactose residues are sialylated compared to an unaltered glycoprotein. Support for this amendment is found throughout the specification, *e.g.*, at page 10, lines 3-5. The new claims depend from claim 59 and recite that at least 80 or 90% of the terminal galactose residues present are sialylated. Support for the new claims is found throughout the application, for example at page 10, lines 5-9.

The foregoing election is made with traverse. Applicants request that Groups IV and XII, commercial scale methods of sialylating a glycoprotein using ST3Gal I sialyltransferases be examined together, as all the required method steps in Groups IV are also found in Group XII, and all the methods require use of an ST3Gal I sialyltransferase. Applicants also believe that claim 5, which recites use of ST3Gal I sialyl motifs, was mistakenly omitted from Group IV. Claim 5 has been amended to recite only ST3Gal I sialyl motifs and examination of the claim is respectfully requested.

Finally, restriction of an application is discretionary. A restriction requirement is made to avoid placing an undue examination burden on the Examiner and the Office. Where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. MPEP 803.01. Applicants respectfully submit that examining the claims of Groups IV and XII together (commercial scale methods of sialylating a glycoprotein using an ST3Gal I sialyltransferase) would not place an undue burden on the Examiner. Applicants therefore respectfully request that the restriction requirement with respect to Group IV and XII be withdrawn.

Appl. No. 10/081,456
Amdt. dated [insert date]
Reply to Office Action of June 16, 2004

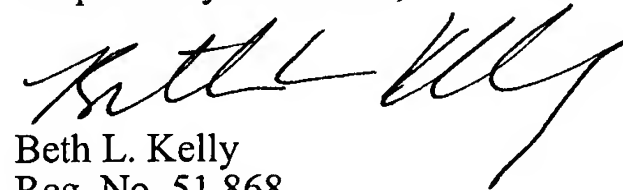
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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